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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,866	06/14/2000	Masaki Katayama	P/2171-184	8166

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EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,866

Applicant(s)

KATAYAMA ET AL.

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. Claims 1-19 of U.S. Application 09/593,866 filed on 06/14/2000 is presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-6, 12-13 and 18-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The driven "a value of an effect quantity characteristic parameter to determine an acoustic characteristic obtained by a magnitude of the effect to be assigned; and the image display displays image data in which the magnitude of the effect assigned to sound is imaged corresponding to the value indicated for the effect quantity characteristic parameter" (see page 4 line 3-page 5 line 5) was not supported in the further detail in the specification nor in any of the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 8 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's prior art.

Consider claim 1 Applicant's prior art teaches an audio system, comprising:

image display (see fig.13 (153)) for displaying a plurality of types of parameters to determine acoustic characteristics (see fig.13 (151) such as hall, jazz, disco) and displaying image data beforehand set respectively to values of the parameters, corresponding to values of the parameters (see page2 lines 9-page 3 line 21); and

operator display (154) for displaying, for each of the parameter types, a parameter operator to indicate a value of a parameter (see page2 line 15- page 3 line 15).

Consider claim 8, there is the method claim corresponding to system claim1. See previous system claim 1 rejection.

Consider claim 14 Applicant's prior art teaches a recording media for recording an audio system control program, wherein

Inherently the program displays (see fig.13 (153)) a plurality of types of parameters to determine acoustic characteristics (see fig.13 (151) such as hall, jazz, disco), values of the parameters, and image data beforehand set respectively to the values of the parameters, corresponding to the values of the parameters (see page2 line 9-page3 line 21) and

Inherently the program displays (154), for each of the parameter types, a parameter operator to indicate a value of a parameter (see page 2 line 15 –page 3 line 5).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujishita (US PAT. 5,666,136).

Consider claim 1 Fujishita teaches an audio system, comprising:

image display (see fig.1 (14)) for displaying a plurality of types of parameters to determine acoustic characteristics (see fig.7b) such as hall, jazz, disco) and displaying image data beforehand set respectively to values of the parameters, corresponding to values of the parameters (see col.7 line 60-col.7 line 21); and

operator display (4 and 9) for displaying, for each of the parameter types, a parameter operator to indicate a value of a parameter (see fig.11a and col.8 line 58-col.9 line 20).

Consider claim 8, there is the method claim corresponding to system claim1. See previous system claim 1 rejection.

Consider claims 2-4 and 9-11, Fujishita teaches an audio system of the image display (see fig.1, 14) reads out image data corresponding to the value of the parameter indicated by the parameter operator and displays an image according to the image data (see col.11 line 3-63); and the parameter operator indicates (see fig.1 (4,9)) a value of a room characteristic parameter to determine an acoustic characteristic obtained by a size of a listening room (see fig14a); and the image display displays image data in which the size of the room is imaged corresponding to the value indicated for the room characteristic parameter (see col.10 line 24-50); and the parameter operator indicates a

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value of a distance characteristic parameter to determine an acoustic characteristic obtained by a distance between a listener and a sound source; and the image display (see fig.1 (14)) displays image data in which the distance is imaged corresponding to the value indicated for the distance characteristic parameter(see col.12 line 13-29).

Consider claims 9-11, there are the method claims corresponding to system claims 2-4. Thus note claims 9-11 respectively, for rejection.

Consider claims 5-7 and 12-13, Fujishita teaches an audio system of the parameter operator indicates (see fig.1 (4,9)), when assigning an effect to sound, a value of an effect quantity characteristic parameter to determine an acoustic characteristic obtained by a magnitude of the effect to be assigned; and

the image display displays (14) image data in which the magnitude of the effect assigned to sound is imaged corresponding to the value indicated for the effect quantity characteristic parameter (see col.11 lines 19-63); and the image display stores a shade corresponding to each value of the effect quantity characteristic parameter and sets the shade of the image data to a shade corresponding to the value indicated for the effect quantity characteristic parameter (see col.10 line 47-col.11 line 13) and the image display (14) and the operator display (4,9) include an information processing terminal including a display (see col.6 line 53- col.7 line 12).

Consider claims 12-13, there are the method claims corresponding to system claims 5-6. Thus note claims 12-13 respectively, for rejection.

Consider claim 14, Fujishita teaches a recording media for recording an audio system control program, wherein the program (see col.4 lines 24-50) displays (see fig.1

(14)) a plurality of types of parameters to determine acoustic characteristics (see fig.7b such as Jazz, disco), values of the parameters, and image data beforehand set respectively to the values of the parameters, corresponding to the values of the parameters (see col6 line 66-col.7 line 21) and the program displays (see fig.1 (4,9)), for each of the parameter types, a parameter operator to indicate a value of a parameter (see fig.11a and col.8 line 58-col.9 line 20).

Consider claims 15-17, Fujishita teaches a recording media for recording an audio system control program when displaying of the image (see fig.14a) the control program inherently reads out image data corresponding to the value of the parameter indicated by the parameter operator and displays an image according to the image data (see col.11 line 3-63); and the parameter operator indicates (see fig.1 (4,9)) a value of a room characteristic parameter to determine an acoustic characteristic obtained by a size of a listening room (see fig14a); and when displaying the image, the program inherently displays image data in which the size of the room is imaged corresponding to the value indicated for the room characteristic parameter (see col.10 line 24-50); and the parameter operator indicates a value of a distance characteristic parameter to determine an acoustic characteristic obtained by a distance between a listener and a sound source; and when displaying the image, the control program inherently (see fig.1 (14)) displays image data in which the distance is imaged corresponding to the value indicated for the distance characteristic parameter(see col.12 line 13-29).

Consider claims 18-19, Fujishita teaches a recording media for recording an audio system control program of the parameter operator indicates (see fig.1 (4,9)), when assigning an effect to sound, a value of an effect quantity characteristic parameter to determine an acoustic characteristic obtained by a magnitude of the effect to be assigned; and when displaying the image, the control program inherently displays (14) image data in which the magnitude of the effect assigned to sound is imaged corresponding to the value indicated for the effect quantity characteristic parameter (see col.11 lines 19-63); and when displaying the image, the control program inherently sets the shade of the image data to a shade corresponding to the value indicated for the effect quantity characteristic parameter (see col.10 line 47-col.11 line 13).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ashour (US PAT. 6,459,797) and Tanaka (US PAT. 6,091,827) cited to show other related the audio system conducting digital signal processing, a control method thereof, a recording media on which the control method is recorded.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner


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should be directed to Lao,Lun-See whose telephone number is (703) 305-2259 The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
(703305-2259


DUC NGUYEN
PRIMARY EXAMINER